

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK PEEPLES,

Plaintiff,

Case No. 1:06-CV-424

v.

HON. GORDON J. QUIST

JENNIFER M. GRANHOLM et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has before it the Plaintiff's objections to the Magistrate Judge's Report and Recommendation issued on September 14, 2006. In his report and recommendation, the magistrate judge recommended that the Plaintiff's claims be dismissed. After conducting a *de novo* review of the report and recommendation, the Court concludes that the report and recommendation should be adopted by the Court.

The Plaintiff's objections fail to identify any portion of the magistrate judge's report and recommendation as erroneous. Rather, the Plaintiff argues issues related to his incarceration that were raised in his complaint and addressed by the report and recommendation. As the magistrate judge discussed, the Plaintiff's claims concerning his criminal conviction are not cognizable in this action and should be brought as a petition for habeas corpus. Furthermore, to the extent that the Plaintiff claims that he has been denied due process and the equal protection of the law, the Plaintiff relies on allegations and does not present evidence supporting his claims. Therefore,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation issued on September 14, 2006 (docket no. 8), is **APPROVED AND ADOPTED** as the Opinion of this Court.

IT IS FURTHER ORDERED that the Plaintiff's complaint is **DISMISSED** as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b), and 42 U.S.C. § 1997e(c).

IT IS FURTHER ORDERED that Plaintiff's state law claims are **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that a **certificate of appealability** is **DENIED** by this Court.

This case is **concluded**.

Dated: February 14, 2007

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE